

XIX. UNLAWFUL SEIZURE OF ECOLOGICAL GARDENS AND EROSION OF PROPERTY RIGHTS

Ministries and Officials Involved:

Municipal Bylaw Enforcement Offices, Ontario Ministry of Municipal Affairs and Housing, Quebec Ministry of Environment, Canadian Heritage (pollinator conservation programs), Privy Council Office, Department of Justice Canada (civil rights oversight)

Backstory:

Across Canada, municipal governments have begun a pattern of **forcible intervention on private residential properties**, targeting **natural, pollinator-supporting gardens** planted with native species. These gardens—intended to support biodiversity, reduce water runoff, and align with provincial and federal environmental goals—are being destroyed under the pretense of bylaw enforcement or aesthetic standards.

In **Ontario**, Edith George—an elder and long-time conservation advocate—maintained a **native pollinator garden** fully compliant with provincial guidelines. One morning, without a warrant, prior notice, or opportunity to respond, **city crews entered her property and razed the garden**, leaving behind damaged plants and a bylaw warning. She was not granted a hearing and was offered no compensation.

In **Quebec**, another homeowner faced thousands of dollars in fines for refusing to destroy a **certified wildflower habitat**, despite expert testimony that the garden was ecologically sound and non-invasive. The city classified it as a nuisance, and enforcement proceeded without judicial review.

These are not isolated incidents. Similar events have occurred in **Alberta, British Columbia, and Manitoba**. In all cases, **the pattern is clear**:

- No court order is obtained;
- Property is entered and altered without consent;
- Owners are not granted hearings or meaningful appeal;
- Municipalities override property rights in pursuit of uniform landscaping codes, ignoring both **scientific value and civil liberties**.

This is more than a gardening dispute—this is **unlawful trespass and administrative overreach**, made worse by the suppression of environmental stewardship and violation of individual rights. These actions **contradict national biodiversity strategies** while criminalizing citizens who are supporting pollinator recovery and ecological balance.

Why This Is a Federal Matter:

While property law is primarily provincial, **civil liberties—including the right to security of person and property—are protected federally** under the **Canadian Bill of Rights (1960)** and

enforced by federal courts. Unlawful interference with property, especially without due process, falls within the purview of **federal oversight in civil rights matters**.

Legal Framework:

Criminal Offences:

- **Trespass and unlawful entry** – under common law (no court order, no statutory justification)
- **Abuse of authority** – *Criminal Code* s. 122 (where government agents act outside lawful scope)
- **Criminal mischief** – *Criminal Code* s. 430 (damaging or destroying personal property)

Civil Liability:

- **Violation of the Canadian Bill of Rights** –
 - *Section 1(a)*: Enjoyment of property and security of person
 - *Section 2(e)*: Right to a fair hearing before being deprived of property
- **Tort of trespass to land** – Unauthorized entry by state agents
- **Compensatory damages** – For destruction of ecological property, stress, and loss
- **Mandamus or injunctive relief** – To restrain future unlawful action by municipalities
- **Judicial review** – Of municipal overreach and regulatory abuse

Conclusion:

The destruction of native gardens is **not about aesthetics—it is about liberty**. These actions violate federally protected civil rights, undermine biodiversity, and punish Canadians who contribute to environmental restoration. If the state can seize your garden without notice or hearing, it opens the door to broader **abuses of property, privacy, and due process**. The federal government has a duty to intervene.